REMARKS

In light of the above-amendment and remarks to follow, reconsideration and allowance of this application are requested.

Claim 5 has been canceled and claims 1, 6 and 7 have been amended herein. Accordingly, claims 1-4, 6 and 7 are presented for consideration.

Claims 1 and 2 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,870,128 to Yazawa et al. (Yazawa). Claims 3-5 have been rejected under 35 U.S.C. § 103 as being unpatentable over Yazawa. Claims 6-7 have been rejected under 35 .S.C. § 103 as being unpatentable over Yazawa in view of U.S. Published Patent Application No. 2004/0120156 to Ryan (Ryan). Claim 5 has been canceled but the subject matter recited therein has been substantially incorporated in amended independent claim 1. Applicants respectfully traverse these rejections.

Contrary to the Examiner's assertion, Yazawa does not teach or suggest "heat generating controlling means for heating the substrate with heat generated in said chip resistor upon supply of power to the chip resistor" as required by claim 1. Yazawa is totally silent about utilizing the heat developed in the chip resistor for heating the substrate. Applicant respectfully submits that the Examiner cannot use hindsight gleaned from the present invention to reconstruct or modify the prior art reference to render claims unpatentable, particularly when his re-construction contradicts the clear teaching of the reference. In fact, Yazawa clearly describe using the chip resistor for "adjusting the brightness of each light-emitting device array" (col. 3, lines 26-27).

Additionally, neither Yazawa nor Ryan teach or suggest "light emission controlling means for supply power to the LED's so as to heat said substrate with heat generated simultaneously with light emission from said LED's" as required by amended claim 1.

Further, neither Yazawa nor Ryan teach or suggest "war-up controlling means for supplying a predetermined maximum power to said light emission controlling means and said heat generation controlling means at the time of startup of the light source unit until the temperature of the substrate determined by said temperature determining means reaches a predetermined threshold" as required by amended claim 1. Ryan merely describes a thermal sensor for sensing a temperature related to "an operational temperature of the light-emitting array 10" (page 4, paragraph 62).

Moreover, applicant respectfully submits that only the present invention teaches or suggest continuously supplying the maximum power to the light emission controlling means and the heat generation controlling means at the time of startup until the temperature of the substrate reaches a predetermined threshold as required by amended claim 1.

Of course, a rejection based on 35 U.S.C. §102 as the present case, requires that the cited reference disclose each and every element covered by the claim. *Electro Medical Systems S.A. v. Cooper Life Sciences Inc.*, 32 U.S.P.Q.2d 1017, 1019 (Fed. Cir. 1994); *Lewmar Marine Inc. v. Barient Inc.*, 3 U.S.P.Q.2d 1766, 1767-68 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988); *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2D 1051, 1053 (Fed. Cir.), *cert. denied*, 484 U.S. 827 (1987). The Federal Circuit has mandated that 35 U.S.C. 102 requires no less than "complete anticipation ... [a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim." *Connell v. Sears, Roebuck & Co.*, 772 F.2d 1542, 1548, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); *See also, Electro Medical Systems*, 32 U.S.P.Q. 2d at 1019; *Verdegaal Bros.*, 814 F.2d at 631.

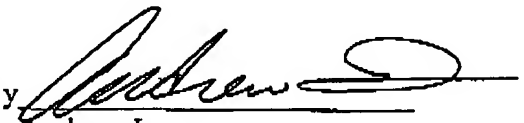
Therefore, since Yazawa and Ryan independently or in combination fails to describe significant elements of recited by claim 1, it follows that, contrary to the Examiner's assertion, Yazawa and Ryan independently or in combination does not anticipate or render obvious claim 1, or any of claims 2-4, 6 and 7 dependent on claim 1.

Moreover, to establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP 2143. Here, the Examiner has failed to establish a prima facie case of obviousness because Yazawa and Ryan independently or in combination does not teach or suggest all the claim limitations of amended claim 1 and thus also included in dependent claims 2-4, 6 and 7.

On the basis of the above amendment and remarks, reconsideration and allowance of claims 1-4, 6 and 7 are respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. NY-KIT 365-US (10402617) from which the undersigned is authorized to draw.

Respectfully submitted,

By 

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